

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JEAN ELIZABETH JONES,

Plaintiff,

v.

ARIA HEALTH,

Defendant.

CIVIL ACTION  
NO. 13-1090

**ORDER**

AND NOW, this 2<sup>nd</sup> day of January, 2014, upon consideration of Defendant's Motion to Dismiss (Docket #7), Plaintiff's response, and all supporting briefs, it is hereby ORDERED that the Motion is **GRANTED IN PART** and **DENIED IN PART** as follows:

1. The Motion is **DENIED** with respect to **Count I**.
2. The Motion is **GRANTED** with respect to **Count II**, which is hereby **DISMISSED WITHOUT PREJUDICE**. Plaintiff may file an amended complaint within thirty days and should be guided by the accompanying memorandum opinion.
3. The Motion is **DENIED** with respect to **Count III**.
4. Defendant's request to strike pattern and practice allegations is **DENIED**.

**BY THE COURT:**

/s/ Jeffrey L. Schmehl  
Jeffrey L. Schmehl, J.